
STATUTORY INSTRUMENTS

1994 No. 2977

ROAD TRAFFIC

The Sale of Registration Marks (Amendment) Regulations 1994

Made - - - - *24th November 1994*
Laid before Parliament *24th November 1994*
Coming into force - - *16th December 1994*

The Secretary of State for Transport, in exercise of the powers conferred by section 27 of the Vehicle Excise and Registration Act 1994(1) and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Sale of Registration Marks (Amendment) Regulations 1994 and shall come into force on 16th December 1994.

Interpretation

2. In these Regulations “the principal regulations” means the Sale of Marks Regulations 1989(2).

Amendment of Schedule 1 to the principal regulations

3.—(1) Schedule 1 to the principal regulations shall be amended as follows.

(2) In paragraph 1(1)—

(a) the definition of “the 1971 Act” shall be omitted; and

(b) after the definition of “the 1988 Act” there shall be inserted ““the 1994 Act” means the Vehicle Excise and Registration Act 1994;”

(3) In paragraph 2 for the words “section 12 of the Finance Act 1989” there shall be substituted “section 27 of the 1994 Act”.

(4) In paragraph 3 at the end there shall be inserted “or in accordance with paragraph 3A”.

(5) The following paragraph shall be inserted after paragraph 3—

(1) 1994 c. 22.
(2) S.I.1989/1938, amended by S.I. 1993/986.

“3A.—(1) At any time before a relevant right is exercised, the Secretary of State may accept an application by the purchaser—

- (a) to nominate a person for the purposes of paragraph 2(b) notwithstanding that no person was nominated in accordance with paragraph 3; or
- (b) to nominate a different person in place of a person nominated in accordance with paragraph 3 or this paragraph,

if the conditions specified in sub-paragraph (2) are fulfilled in relation to the application.

(2) The conditions referred to in sub-paragraph (1) are that—

- (a) the application was made in writing;
- (b) the applicant has submitted the certificate of entitlement relating to the relevant right; and
- (c) an application fee of £25 accompanied the application.”

(6) In paragraph 4, the following sub-paragraph shall be inserted after sub-paragraph (4):—

“(5) If, after the issue of a certificate of entitlement, the Secretary of State accepts an application under paragraph 3A for the nomination of a person for the purposes of paragraph 2(b), he shall issue to the purchaser a new certificate of entitlement which records the name of the person nominated in pursuance of the application.”

(7) In paragraph 6(3), for the words “the 1971 Act” in both places where they occur there shall be substituted “the 1994 Act”.

(8) In paragraph 8(2)(b), for the words “the 1971 Act” there shall be substituted “the 1994 Act”.

(9) In paragraph 10, for the words “section 12(1) of the Finance Act 1976” there shall be substituted “section 25(1) of the 1994 Act”.

Amendment of Schedule 2 to the principal regulations

4.—(1) Schedule 2 to the principal regulations shall be amended as follows.

(2) In paragraph 1(1)—

- (a) the definition of “the 1971 Act” shall be omitted;
- (b) after the definition of “the 1988 Act” there shall be inserted ““the 1994 Act” means the Vehicle Excise and Registration Act 1994;”
- (c) in the definition of “the GB records” for the words “the 1971 Act” there shall be substituted “the 1994 Act”;
- (d) for the definition of “purchase price” there shall be substituted ““purchase price” means the sum payable in respect of the acquisition of a relevant right determined as provided in paragraph 6(1);”

(3) The following paragraph shall be substituted for paragraph 3—

“Nominations

3.—(1) The purchaser may nominate a person for the purposes of paragraph 2(1)(b)—

- (a) at any time before he makes the payment referred to in paragraph 6(3); or
- (b) by means of an application in accordance with sub-paragraph (2).

(2) At any time before a relevant right is exercised, the Secretary of State may accept an application by the purchaser—

- (a) to nominate a person for the purposes of paragraph 2(1)(b) notwithstanding that no person has been nominated in accordance with sub-paragraph (1);

- (b) to nominate a different person in place of a person already nominated, if the conditions specified in sub-paragraph (3) are fulfilled in relation to the application.
- (3) The conditions referred to in sub-paragraph (2) are that—
- (a) the application was made in writing;
 - (b) the applicant has submitted the certificate of entitlement relating to the relevant right;
 - (c) an application fee of £25 accompanied the application.”
- (4) In paragraph 5(3), paragraph (b) and, in paragraph (c), the words “in any case other than one mentioned in sub-paragraph (b)” shall be omitted.
- (5) Paragraph 6(2) shall be omitted.
- (6) The following sub-paragraph shall be substituted for sub-paragraph (3) of paragraph 6—
- “(3) On the acquisition of a relevant right there shall be payable in respect of the assignment of the registration mark pursuant to the right a sum of the same amount as the charge which is for the time being prescribed by virtue of section 25(1) of the 1994 Act.”
- (7) The following paragraph shall be substituted for paragraph 7—
- “7. The fee payable for an extension or further extension of the period in which a relevant right may be exercised shall be £25.”
- (8) In paragraph 8, after sub-paragraph (5) the following sub-paragraph shall be inserted—
- “(6) If the Secretary of State accepts an application in accordance with paragraph 3(2) for the nomination of a person for the purposes of paragraph 2(1)(b) after the issue of a certificate of entitlement, he shall issue to the purchaser a new certificate of entitlement which records the name of the person nominated in pursuance of the application.”
- (9) In paragraph 9(2)(b), for the words “the 1971 Act” in both places where they occur there shall be substituted “the 1994 Act”.
- (10) In paragraph 10(2), for the words “the 1971 Act” there shall be substituted “the 1994 Act”.
- (11) In paragraph 11, for the words “section 12 of the Finance Act 1976” there shall be substituted “section 25(1) of the 1994 Act”.
- (12) The following paragraph shall be substituted for paragraph 14—

“Refunds

14.—(1) Any sum paid to the Secretary of State in accordance with paragraph 6(3) shall be retained by him, whether or not there is an assignment of the relevant registration mark, except where the conditions specified in sub-paragraph (2) are fulfilled, in which case the Secretary of State shall refund the sum to the purchaser of the relevant right in respect of which it was paid.

- (2) The conditions referred to in sub-paragraph (1) are that—
- (a) the Secretary of State has revoked the relevant right in respect of which the sum was paid or the period during which that right was exercisable has expired without its having been exercised;
 - (b) a written application for a refund was made by the purchaser;
 - (c) the application was accompanied by the relevant certificate of entitlement; and
 - (d) the application was received by the Secretary of State within the period of six years starting with the date on which the relevant right was revoked or ceased to be exercisable.”

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Signed by authority of the Secretary of State for Transport

24th November 1994

Steven Norris
Parliamentary Under Secretary of State,
Department of Transport

EXPLANATORY NOTE

(This note is not part of the Order)

Section 27 of the Vehicle Excise and Registration Act 1994 provides for the sale of the right (“a relevant right”) to have a particular registration mark assigned to a vehicle registered in the name of the purchaser of the relevant right or his nominee. These Regulations amend the Sale of Registration Marks Regulations 1989 so as to allow the purchaser of a relevant right, on application, to make a nomination after the right has been granted or to change a nomination previously made. A fee of £25 is payable with the application. No fee is payable if the nomination is made before the relevant right is granted.

Other amendments are made to the 1989 Regulations including the substitution of references to the Vehicle Excise and Registration Act 1994 for references to earlier legislation which was consolidated in that Act and the repeal of certain spent transitional provisions.